

1 JUDGE RONALD B. LEIGHTON
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 UNITED STATES OF AMERICA,) NO. CR05-5388RBL
9 Plaintiff,)
10 vs.) ORDER GRANTING STIPULATED
11 JOSE GARCIA-ROMERO, and) MOTION TO CONTINUE TRIAL
12 CAESAR HERNANDEZ-VALENCIA,) DATE AND PRETRIAL MOTIONS
13 Defendants.) DUE DATE

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15 Based on the stipulated motion of the parties to continue the trial date, and the
16 affidavit of defense counsel in support of the motion, the Court makes the following
17 findings of fact and conclusions of law:

- 18 1. The ends of justice served by granting this continuance outweigh the best
19 interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
- 20 2. Proceeding to trial absent adequate time for the defense to prepare would
21 result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(i).
- 22 3. The defense needs additional time to explore issues of some complexity,
23 including all relevant issues and defenses applicable to the case, which would make it
24 unreasonable to expect adequate preparation for pretrial proceedings or for trial itself
25 within the time limits established by the Speedy Trial Act and currently set for this case.
26 18 U.S.C. § 3161(h)(8)(B)(ii).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from July 11, 2005 to
6 **October 24, 2005, at 9:30 am.** The resulting period of delay from July 11, 2005, to
7 October 24, 2005, is hereby excluded for speedy trial purposes under 18 U.S.C. §
8 3161(h)(8)(A) and (B).

9 Pre-trial motions are due no later than **August 22, 2005.**

10 Pre-trial conference shall be on **October 13, 2005, at 9:00 am.**

12 IT IS SO ORDERED this 20th day of June, 2005.



13 RONALD B. LEIGHTON
14 UNITED STATES DISTRICT JUDGE

Presented By:

17 /s/ Colin A. Fieman
18 Colin A. Fieman
19 Attorney for Garcia-Romero

17 /s/ Zenon Olbertz
18 Zenon Olbertz
19 Attorney for Hernandez-Valencia

20 /s/ Sarah Y. Vogel
21 Sarah Y. Vogel
22 Assistant United States Attorney